

Jason B. Lattimore
JASON B. LATTIMORE, ESQ. LLC
55 Madison Avenue, Suite 400
Morristown, NJ 07960
Telephone: (973) 998-7477
Facsimile: (973) 264-1159
jason@lattimorelaw.com

Attorney for Defendant Actavis LLC

Amy Luria
CRITCHLEY, KINUM & DENOIA, LLC
75 Livingston Avenue
Roseland, NJ 07068
Telephone: (973) 422-9200
Facsimile: (973) 422-9700
aluria@critchleylaw.com

Attorney for Defendants Mylan Pharmaceuticals Inc., Mylan Laboratories Limited, and Mylan Inc.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

VALEANT PHARMACEUTICALS
INTERNATIONAL, INC., SALIX
PHARMACEUTICALS, INC., PROGENICS
PHARMACEUTICALS, INC., and WYETH
LLC,

Plaintiffs

v.

MYLAN PHARMACEUTICALS INC., MYLAN
LABORATORIES LTD., MYLAN INC., and
ACTAVIS LLC,

Defendants.

C.A. No. 2:15-08180 (SRC) (CLW)
(consolidated)

Motion Date: May 7, 2018

**NOTICE OF DEFENDANTS' MOTION
IN LIMINE TO PRECLUDE
PLAINTIFFS FROM OFFERING
TESTIMONY FROM MICHAEL
TAGLIAFERI AND DR. ROBERT O.
WILLIAMS III IN CONNECTION
WITH THE PRIOR-ART STATUS OF
SHAH '115 OR RELISTOR® VIALS**

Oral Argument Requested

PLEASE TAKE NOTICE that on May 7, 2018, at a time to be set by the Court, or as soon as counsel may be heard, Defendants Mylan Pharmaceuticals Inc., Mylan Laboratories Ltd., Mylan Inc. (collectively, "Mylan"), and Actavis LLC ("Actavis") (Mylan and Actavis collectively, "Defendants"), by and through their undersigned counsel, will move before the Honorable Stanley R. Chesler, U.S.D.J., in the United States District Court for the District of

New Jersey, Martin Luther King, Jr. Building & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey 07101, for an Order precluding Plaintiffs Valeant Pharmaceuticals International, Inc., Salix Pharmaceuticals, Inc., Progenics Pharmaceuticals, Inc., and Wyeth LLC (collectively, “Plaintiffs”) from introducing or relying on testimony related to the prior art status of International Patent Application Publication No. WO 2008/019115 (“Shah ’115”) or Relistor® Vials from their corporate witness Michael Tagliaferi, their expert Dr. Robert O. Williams III, or any other witnesses who lack personal knowledge of the subject matter claimed and described in the Wyeth patents-in-suit (U.S. Patent Nos. 8,247,425, 8,420,663, 8,822,490 and 9,180,125) or the research and development of the methylnaltrexone injectable compositions described in Shah ’115 or contained in Relistor® Vials.

PLEASE TAKE FURTHER NOTICE that, in support of its Motion, Defendants shall rely on the accompanying Brief and Declaration of Shaobo Zhu, Esq., as well as any other papers and pleadings on file in this matter.

PLEASE TAKE FURTHER NOTICE that if opposition to this Motion is presented, Defendants request oral argument on this Motion.

PLEASE TAKE FURTHER NOTICE that a proposed form of Order is submitted herewith.

Dated: March 28, 2018

Respectfully submitted,

s/ Amy Luria
Amy Luria (aluria@critchleylaw.com)
**CRITCHLEY, KINUM & DENOIA,
LLC**
75 Livingston Avenue
Roseland, NJ 07068
Telephone: (973) 422-9200
Facsimile: (973) 422-9700

OF COUNSEL:
Deepro R. Mukerjee
Lance A. Soderstrom
Stephanie M. Roberts
ALSTON & BIRD LLP
90 Park Avenue
New York, NY 10016-1387
Telephone: (212) 210-9400
Facsimile: (212) 210-9444

Jitendra Malik
Alissa Pacchioli
ALSTON & BIRD LLP
555 Fayetteville Street, Suite 600
Raleigh, NC 27601
Telephone: (919) 862-2200

H. James Abe
ALSTON & BIRD LLP
333 South Hope Street, 16th Floor
Los Angeles, CA 90071
Telephone: (213) 576-1000

*Attorneys for Defendants Mylan
Pharmaceuticals Inc., Mylan Laboratories
Limited, and Mylan Inc.*

Respectfully submitted,

s/ Jason B. Lattimore
Jason B. Lattimore (Jason@LattimoreLaw.com)
JASON B. LATTIMORE, ESQ. LLC.
55 Madison Avenue, Suite 400
Morristown, NJ 07960
Tel.: (973) 998-7477

OF COUNSEL:
Elizabeth J. Holland
Joshua A. Whitehill
Tyler Doh
GOODWIN PROCTER LLP
The New York Times Building
620 8th Avenue
New York, NY 10019
Tel.: (212) 813-8800

Nicholas K. Mitrokostas
Shaobo Zhu
GOODWIN PROCTER LLP
100 Northern Avenue
Boston, MA 02210
Tel: (617) 570-1000

Attorneys for Defendant Actavis LLC